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Amendment
Attorney Docket No. S63.2H-11273-US01

Remarks

This Response is in response to the Office Action dated June 16, 2005. In the Office Action, claims 2, 3, 6-11, 13, and 14 are allowable. Claims 1, 4, and 5 were rejected under 35 USC § 102(b). Claims 1, 4, 5, and 12 were rejected under 35 USC § 102(b). Claims 19-25 were rejected under 35 U.S.C. § 103(a).

The headings below correspond to those of the Office Action.

Claim Rejections - 35 USC § 102

Claims 1, 4 and 5 were rejected under 35 USC § 102(b) as being anticipated by Adams et al. (U.S. Pat. No. 6,099,497).

To sustain a 102(b) rejection all the limitations of the claim must be present in the cited reference. The Office Action does not meet this requirement. The Office Action asserts that the Adams reference includes a rotatable sheath (156). However, the Adams reference identifies element 156 as a stent rather than a sheath as recited in claim 1. The distinction between a sheath and a stent is well known to those skilled in the art. As such, the limitations of claim 1 are not met.

Even if for the sake of argument one equates the stent of Adams with the sheath of claim 1, Adams still does not teach all the limitations of the claim. Claim 1 recites "at least a first distal portion of the guide wire housing being engaged to at least a first proximal portion of the rotatable sheath". Adams does not teach or suggest a guide wire housing so engaged to stent 156. For at least these reasons, independent claim 1 and claims 4 and 5 dependent thereof overcome the 102(b) rejection in light of Adams. Withdrawal of the rejection is respectfully requested.

Claims 1, 4, 5, and 12 were rejected under 35 USC § 102(b) as being anticipated by Stone et al. (U.S. Pat. No. 5,843,027). Applicant asserts that Stone neither teaches nor suggests the combination of a second guide wire housing and a rotatable sheath. In fact, Stone teaches only one guide wire and an additional push wire 50/60; there is no mention of a second guide wire or second guide wire housing. The push wire of Stone is affixed to sheath 40/58 in such a way that axial movement of the push wire results in axial movement of the sheath. The push wire is not a guidewire. Furthermore, if one argues that the push wire is a guidewire, Stone

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still fails to teach a second guidewire housing. Thus, the element of a second guidewire housing is not taught or suggested in Stone.

In addition, there is no disclosure in Stone that the sheath rotates about the catheter shaft. In fact the ability to rotate is only addressed in lines 20-24 of column 4 wherein the entire tubular body 12 is rotated within the body lumen. Further as to Fig. 5 of Stone, any rotation of the push wire 60 or tubular body 56 would create the same rotation in the sheath and the catheter. As such, the sheath rotates *with* the catheter shaft rather than *about* the catheter shaft as is specified in claim 1. Thus, there is no teaching of a rotatable sheath being disposed and rotatable about at least a portion of the catheter shaft.

For at least the above reasons, independent claim 1 and dependent claims 4, 5, and 12 dependent thereof overcome the 102(b) rejection in light of Stone. Withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 19-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Adams. These claims are dependent on claim 1 which recites "at least a first distal portion of the guide wire housing being engaged to at least a first proximal portion of the rotatable sheath". Adams does not teach or suggest a rotatable sheath. Furthermore, Adams does not teach or suggest a guide wire housing so engaged to a rotatable sheath or to the stent 156 taught in Adams. For at least these reasons claim 1 and claims 19-25 dependent thereon are allowable. Withdrawal of the rejection is respectfully requested.

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Conclusion

In light of the above comments, claims 1-14 and 19-25 are believed to be in condition for allowance. Notification to that effect is respectfully requested.

Respectfully submitted,

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